

# Notice of Allowability

Application No.

09/639,567

Examiner

Dan I Davidson

Applicant(s)

BRUNETT ET AL.

Art Unit

2651

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to July 26, 2004.
2. ☒ The allowed claim(s) is/are 2-6, 8-12, 14-23, 60-82 renumbered as 1, 3, 5, 7, 9, 11-12, 14, 16, 18, 20, 22, 24, 26, 28, 30-31, 33, 35, 37, 39, 41-42, 2, 4, 6, 8, 10, 13, 15, 17, 19, 21, 23, 25, 27, 29, 32, 34, 36, 38, 40, and 43.
3. ☒ The drawings filed on 15 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 40, and 43.

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT AND REASONS FOR ALLOWANCE**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Tejpal S. Hansra on November 29, 2004.

The application has been amended as follows:

- (1) In claim 62, line 1, "55" has been replaced with --61--.
2. The status identifiers for claims 24-50 have been changed from "(Withdrawn)" to --(Cancelled)-- consistent with the Applicant's cancellation of claims 24-50 in the amendment filed December 1, 2003. The Examiner notified Mr. Tejpal S. Hansra of these modifications in a telephone conversation on November 29, 2004.

3. The following is an examiner's statement of reasons for allowance:

Re claims 2-6, 8, and 10-12; the prior art of record, and in particular Serrano et al (US 6,429,990 B2), fails to teach or suggest in response to detecting a write fault of at least the second magnitude, preventing a write operation from occurring for at least a second time period using a second timer that is different from the first timer.

Re claims 14-19 and 21-23; the prior art of record, and in particular Serrano et al (US 6,429,990 B2), fails to teach or suggest preventing a write head from writing information to a data track for a second time period using a second timer different from the first timer following deviation of the head from the centerline by a second distance.

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Re claims 60-61; the prior art of record, and in particular Serrano et al, fails to teach or suggest prohibiting write operations for a shortened period of time, using a second timer different from the first timer, if the detected off-track event does not exceed the severe shock threshold.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. The following art is not prior art but is made of record since it is pertinent to applicant's disclosure.

Kisaka et al (US 6,754,021 B2) teach providing an optimum write inhibit in a high-density disk drive according to the magnitude of a shock or vibration.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan I Davidson whose telephone number is (703) 308-8535. The examiner can normally be reached on Mondays, Tuesdays, and Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DID  
Dan I Davidson  
November 30, 2004



SINH TRAN  
PRIMARY EXAMINER